

State of California

Office of Administrative Law

In re:
Department of Insurance

Regulatory Action:

Title 10, California Code of Regulations

Adopt sections: 2642.8, 2644.28
Amend sections: 2642.6, 2642.7, 2644.2,
2644.3, 2644.6, 2644.7,
2644.8, 2644.12, 2644.16,
2644.17, 2644.19, 2644.20,
2644.21, 2644.23, 2644.25,
2644.27

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL File No. 2008-0506-01FP

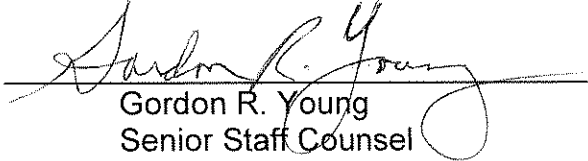
This file and print only rulemaking makes revisions to regulations implementing the Proposition 103 prior approval rate process. This rulemaking was originally filed with the Office of Administrative Law (OAL) by the Department of Insurance as an "emergency file and print" rulemaking, OAL file number 2008-0506-01EFP.

On May 15, 2008, the Department of Insurance changed the category of filing type for this rulemaking to "file and print only" and the rulemaking file was redesignated as OAL file number 2008-0506-01FP. Previous rulemakings relating to these Proposition 103 provisions were filed by the Department of Insurance as file and print only rulemakings as determined by the decision of the California Supreme Court in *20th Century Insurance Company v. Garamendi* (1994) 8 Cal. 4th 216, 270, 32 Cal.Rptr.2d 807. See, for example, OAL file number 2006-1116-06P.

Because this file and print rulemaking contains only revisions to regulations that establish or fix "rates, prices, or tariffs" pursuant to *20th Century Insurance Company v. Garamendi*, this rulemaking file and the regulations submitted are entirely exempt from the Administrative Procedure Act (Government Code, Chapter 3.5, Section 11340, *et seq.*) and OAL review. See, Government Code section 11340.9(g). As a consequence, OAL did not review the adequacy of the the proposed emergency aspect of the Department of Insurance's original emergency file and print rulemaking, OAL file number 2008-0506-01EFP. OAL has filed the successor filing, OAL file number 2008-0506-01FP, with the Secretary of State as a file and print only rulemaking pursuant to its

duties under Government Code section 11343.8, and will publish the regulations in the California Code of Regulations. The regulations are effective on filing with the Secretary of State.

Date: 5/16/2008



Gordon R. Young
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For: SUSAN LAPSLEY
Director

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